

SPEARS & IMES LLP

51 Madison Avenue
New York, NY 10010
tel 212-213-6996
fax 212-213-0849

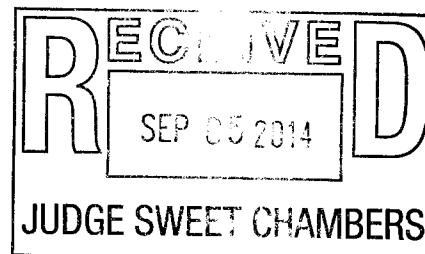
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Joanna C. Hendon
tel 212-213-6553
jhendon@spearsimes.com

September 5, 2014

VIA FACSIMILE AND U.S. MAIL

The Honorable Robert W. Sweet
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Bladimir Rigo*, 13 Cr. 897 (RWS)

Dear Judge Sweet:

I represent the defendant Bladimir Rigo in the captioned matter. On April 23, 2014, before Magistrate Judge Kevin N. Fox, Mr. Rigo pled guilty to the Indictment in this matter. Mr. Rigo is scheduled to be sentenced by Your Honor on October 6, 2014. I write to ask that the Court hold a factual hearing on that date – or on a later date convenient to the Court – pursuant to *United States v. Fatico*, 603 F.2d 1053 (2d Cir. 1979), in order to resolve a dispute between the parties concerning the amount of loss attributable to Mr. Rigo as a result of the offense conduct. I further request that sentencing and the filing of sentencing memoranda in this case be continued until the Court has had an opportunity to resolve the factual dispute concerning the loss amount. I have spoken with the prosecutor responsible for this case, Mr. Diskant, who joins in these requests.

Mr. Rigo pled guilty without a plea agreement. He entered his plea pursuant to a letter provided by the Government, pursuant to *United States v. Pimentel*, 932 F.2d 1029.¹ The Government has advised the Probation Department it estimates the provable loss to be between \$7 million and \$20 million. The defense believes those figures to be overstated. We believe the proof establishes losses attributable to Mr. Rigo of less than \$1 million. As a result, the parties have been unable to reach agreement on a Guidelines stipulation, leading Mr. Rigo to plead guilty without a plea agreement and alert the Government, early on, to his intention to challenge its loss estimates via a factual hearing prior to sentencing.

¹ Copies of the *Pimentel* letter and the minutes of Mr. Rigo's guilty plea are enclosed with the copy of this letter sent to Your Honor by U.S. mail.

The Honorable Robert W. Sweet

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The case concerns the black market purchase and resale of prescription medicines by my client, chiefly between 2010 and 2012, but at earlier times as well. As we understand it, the proof consists chiefly of a video and audio tape recording of Mr. Rigo discussing the business with a cooperating witness, records reflecting black market transactions in prescription medications, and the testimony of cooperating witnesses about the scope of their prior dealings with Mr. Rigo.

If Your Honor is inclined to grant this request, I ask that Your Honor direct the Government to provide its Jencks Act material to the defense no later than September 29, 2014, one week prior to the hearing, and that Your Honor so order this letter below.

Respectfully submitted,

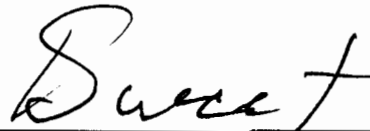


Joanna C. Hendon

cc: AUSA Edward B. Diskant (by e-mail only)

Encl.

SO ORDERED:


9-11-14